REMARKS

Consideration of the application as preliminarily amended is requested.

Claims 1-35 are in the application. Claims 8-14 are subject to examination and claims 1-7 and 15-35 are suggested for withdrawal from examination.

Applicants also respectfully request the Examiner's confirmation of receipt of applicants' certified copy of the priority document for the German Patent Application 101 20 053.6, filed April 24, 2001 supporting the claim for priority under 35 U.S.C. § 119.

According to the restriction requirement previously sent by Examiner Hoai Pham on February 11, 2003 in parent application No. 10/131,358, applicants elect embodiment 3, FIGS. 8-10 for prosecution at this time. Claims 8-14 are designated as reading on the elected embodiment. Applicants therefore suggest the withdrawal of claims 1-7 and 15-35, but respectfully reserve the right to rejoin the withdrawn claims upon a later determination of an allowable generic claim.

The title of the application has been preliminarily amended to "STRESS-REDUCED LAYER SYSTEM FOR USE IN STORAGE

CAPACITORS" in an effort to provide a title that is more indicative of the claimed subject matter.

Applicants respectfully believe that the description provided in the specification, primarily on pages 29-33 of the instant application, one having ordinary skill in the art would be able to make and/or use the invention of the instant application without undue or unreasonable experimentation.

In item 8 on page 4 of the Office Action dated April 14, 2003 in the parent application, various claims were previously rejected as being fully anticipated by U.S. Patent No. 6,265,741 to *Schrems* (hereinafter **SCHREMS**) under 35 U.S.C. § 102(e). In light of this previous rejection, applicants respectfully request that the Examiner, when considering the claims of elected embodiment, remember that **SCHREMS** discloses a trench capacitor having a buried silicon epitaxial layer in the lower portion of the trench. The buried silicon epitaxial layer is configured to form the lower capacitor electrode (Col. 4, lines 46-50) or to serve as a buried plate (Abstract).

SCHREMS does not teach or suggest a solution to the problem of increased mechanical stresses, which is solved in the instant application. Nor is the solution of stress reduction

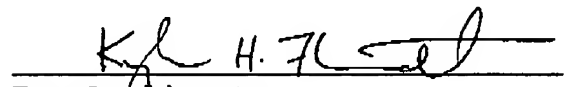
through an additional "doped layer" expressly found in the **SCHREMS** reference.

In view of the foregoing, reconsideration and allowance of claims 8-14 are solicited.

In the event the Examiner should find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,



For Applicants

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